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11 **UNITED STATES DISTRICT COURT**
12 **SOUTHERN DISTRICT OF CALIFORNIA**
SAN DIEGO DIVISION

13 **FORTUNE GROWERS, LLC, a**
14 **Nevada limited liability company,**

15 **Plaintiff,**

16 **vs.**

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18 **SOUTHERN CITRUS, INC., a**
19 **California corporation; HANA GIBO,**
20 **an individual; SABAH**
21 **YUKHANNA, an individual; and**
22 **BROADWAY FARMERS MARKET,**
INC., a California corporation,
Defendants.

Case No.: 3:07-cv-2088

MOTION FOR CLERK'S ENTRY
OF DEFAULT

23 Plaintiff, Fortune Growers, LLC, by its undersigned counsel and pursuant
24 to Federal Rule of Civil Procedure 55(a), files this Motion for Clerk's Entry of
25 Default against Defendants, Southern Citrus, Inc., Hana Gibo, Sabah
26 Youkhanna, and Broadway Farmers Market, Inc. (the "Defendants"). In support
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1 of its Motion, Fortune Growers, LLC respectfully states:

2 1. On November 14, 2007, Fortune Growers filed its First Amended
3 Complaint against Defendants, Southern Citrus, Inc., Hana Gibo, Sabah
4 Youkhanna, and Broadway Farmers Market, Inc. [Docket No. 17].
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6 2. On December 2, 2007, Fortune Growers' Summonses and First
7 Amended Complaint were served upon Defendant, Hana Gibo, personally and
8 as corporate representative of Southern Citrus, Inc. and Broadway Farmers
9 Market, Inc. [Docket Nos. 19, 20, and 21]. Southern Citrus, Inc., Hana Gibo, and
10 Broadway Farmers Market, Inc. have failed to file an Answer or other defenses
11 to Fortune Growers' First Amended Complaint within twenty (20) days as
12 required by Rule 12(a), Fed.R.Civ.P.
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15 3. On December 5, 2007, this Court entered an Order, permitting
16 Fortune Growers to serve Defendant, Sabah Youkhanna, with the Summons and
17 First Amended Complaint by publication. [Docket No. 23].
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19 4. Pursuant to Cal. Code Civ. Proc. §415.50 and Cal. Gov. Code §6064,
20 on December 15, 20, and 27, 2007, and January 3, 2008, Fortune Growers
21 published the Summons and First Amended Complaint in the San Diego Union
22 Tribune. See Affidavit of Publication. [Docket No. 24]. Sabah Youkhanna has
23 failed to file an Answer or other defenses to the Plaintiff's First Amended
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1 Complaint within twenty (20) days of January 3, 2008, the last date of
2 publication of the Notice, pursuant to Federal Rule of Civil Procedure 12(a).

3 WHEREFORE, Plaintiff, Fortune Growers, LLC, requests the Clerk of
4 Court enter a Default against Defendants, Southern Citrus, Inc., Hana Gibo,
5 Sabah Youkhanna, and Broadway Farmers Market, Inc., in the above-entitled
6 action pursuant to Federal Rule of Civil Procedure 55(a).
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9 Respectfully submitted this 24th day of January, 2008.

10 **MEUERS LAW FIRM, P.L.**

11 By: s/Steven M. De Falco

12 Lawrence H. Meuers

13 (SBN: 197663)

14 Steven M. De Falco (*Pro Hac Vice*)

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